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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/074,976 | 02/13/2002 | Robert J. Hariri | 011307 | 1042 |
| 20583 | 7590 | 06/16/2005 | EXAMINER | |
| JONES DAY 222 EAST 41ST ST NEW YORK, NY 10017 | | | LI, QIAN JANICE | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 1632 | |

DATE MAILED: 06/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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| APPLICATION NO./ CONTROL NO. 10074976 | FILING DATE 2/13/02 | FIRST NAMED INVENTOR / PATENT IN REEXAMINATION Hariri | ATTORNEY DOCKET NO. 9516-101-999 |
|---|-------------------------------|---|--|

EXAMINER

Q. Janice Li

ART UNIT**PAPER**

1632

DATE MAILED:

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Commissioner for Patents

The reply filed on 3/18/05 is not fully responsive to the prior Office Action because of the following matter(s): The amendment canceled all previous pending claims, and newly submitted claims encompass multiple inventions that are independent or distinct from the invention originally claimed for the following reasons: the original elected invention is drawn to a method comprising collecting embryonic stem cells from a placenta which has been treated to remove residual cord blood; whereas the present claims encompass collecting stem cells from a placenta that contains cord blood, and seeding any stem cell beyond embryonic stem cells. These claims would have been restricted if presented originally. Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, present claims 24-43 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03. Also See 37 CFR 1.111. A complete reply to this communication must include cancellation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01.

Since the above-mentioned reply appears to be bona fide, applicant is given ONE (1) MONTH or THIRTY (30) DAYS from the mailing date of this notice, whichever is longer, within which to supply the correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Q. Janice Li whose telephone number is 571-272-0730. The examiner can normally be reached on 9:30 am - 7 p.m., Monday through Thursday, and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ram R. Shukla can be reached on 571-272-0735. The fax numbers for the organization where this application or proceeding is assigned are 571-273-8300.

Any inquiry of formal matters can be directed to the patent analyst, Dianiece Jacobs, whose telephone number is (571) 272-0532.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to (571) 272-0547.

Q. JANICE LI, M.D.
PRIMARY EXAMINER

Q. Janice Li, M.D.
Primary Examiner
Art Unit: 1632